

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE:**

**BANKRUPTCY PROCEEDING**

**KENNETH LEE SIMMONS  
MARY ALLISON SIMMONS**

**CASE NUMBER: 12-00937 EE**

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**TRUSTEE'S MOTION FOR AUTHORITY TO SELL ASSETS FREE AND CLEAR OF  
LIENS, INTEREST, ENCUMBRANCES AND CLAIMS - OLD CANTON ROAD  
PROPERTY AND REQUEST TO PAY REAL ESTATE COMMISSIONS**

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COMES NOW Derek A. Henderson, the Trustee in the above styled and numbered proceeding, and files this his Motion for Authority to Sell Assets Free and Clear of Liens, Interests, Encumbrances and Claims - Old Canton Road Property and Request to Pay Real Estate Commissions, and in support thereof would show unto the Court the following:

1.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334 and 28 U.S.C. §157. This matter is a core proceeding.

2.

On March 15, 2012, Kenneth Lee Simmons and Mary Allison Simmons ("Debtors") filed their petition under Chapter 7 of the United States Bankruptcy Code before the United States Bankruptcy Court for the Southern District of Mississippi. Derek A. Henderson has been appointed the Chapter 7 Trustee ("Trustee").

3.

At the time of the filing of the bankruptcy petition, the Debtor was the owner of certain real property located at 3426 Old Canton Road, Jackson, Hinds County, Mississippi and certain personal property located and remaining at the premises consisting of TVs, mirrors, sound

equipment, etc. (hereinafter "Subject Property"). The legal description of the property is as follows:

That part of Lot Fifteen (15), of Block "A", of Woodland Hills, a subdivision to the City of Jackson, First Judicial District of Hinds County, Mississippi, according to the map or plat thereof of record in the office of the Chancery Clerk of Hinds county at Jackson, Mississippi, in Plat Book No. 4 at Page 40 thereof, which is more particularly described by metes and bounds as follows:

Beginning at a point on the southeastern line of Canton Avenue a distance of 58.2 feet measured southwesterly along the southeastern line of Canton Avenue from its intersection with the line of Canton Avenue from its intersection with the line between Lots 14 and 15 of said Block "A" of Woodland Hills, run thence southwesterly along the southeastern line of Canton Avenue (being the northwestern line of said Lot 15) for a distance of 80 feet; thence turning to the left through an angle of 94 degrees 28 minutes run southeasterly for a distance of 203.5 feet to a point on the southeastern line of said Lot 15, which point is 24 feet northeasterly from the southern corner of said Lot 15; thence turning to the left through an angle of 100 degrees 22 minutes run northeasterly along the southeastern line of said Lot 15, for a distance of 80 feet; thence northwesterly a distance of 182.8 feet to the point of beginning.

4.

The Trustee has received an offer from Douglas Edwin Keyes and/or assigns for the purchase of the Subject Property. The purchase price for the Subject Property is \$365,000.00. The Subject Property shall be sold "As Is, Where Is." A copy of the Contract for the Sale and Purchase of Real Estate is attached hereto as Exhibit "A" and is incorporated herein by reference.

5.

The Trustee requests the Court for authority to sell the Subject Property free and clear of all liens, interests, encumbrances and claims. Any and all liens shall attach to the sales proceeds to the same extent, validity and priority as prior to the filing of the bankruptcy petition.

6.

The Trustee requests the Court to find that Douglas Edwin Keyes is a good faith purchaser pursuant to §363(m) of the United States Bankruptcy Code.

7.

The Trustee requests that he be allowed to pay all expenses required by the sales contract, real estate commissions to Kennedy & Co. Real Estate, Inc. (2.5%) and Elizabeth Knight, Realtor (2.5%) and pro rata taxes from the sales proceeds. The net funds shall be paid to the Trustee for the benefit of the bankruptcy estate.

8.

The Trustee further requests authority from the Court to execute deeds or other documentation required to consummate the sale.

WHEREFORE, the Trustee requests the Court to find that his Motion for Authority to Sell Assets Free and Clear of Liens, Interests, Encumbrances and Claims - Old Canton Road Property and Request to Pay Real Estate Commissions is well taken and should be granted.

Respectfully submitted,

By: s / Derek A. Henderson  
Derek A. Henderson, Trustee and  
Attorney for the Trustee

**Derek A. Henderson, MSB #2260**  
**1765-A Lelia Drive, Suite 103**  
**Jackson, MS 39216**  
**(601) 948-3167**  
**derek@derekhendersonlaw.com**

**CERTIFICATE OF SERVICE**

I, DEREK A. HENDERSON, do hereby certify that I have this date served, via United States Mail, postage prepaid or via the ECF Notification Service, which provides electronic notice, a true and correct copy of the above and foregoing Motion for Authority to Sell Assets Free and Clear of Liens, Interests, Encumbrances and Claims - Old Canton Road Property and Request to Pay Real Estate Commissions to the following:

Eileen N. Shaffer  
[enslaw@bellsouth.net](mailto:enslaw@bellsouth.net)

Office of United States Trustee  
[USTPRegion05.JA.ECF@usdoj.gov](mailto:USTPRegion05.JA.ECF@usdoj.gov)

Kennedy & Co. Real Estate, Inc.  
PO Box 1546  
Ridgeland, MS 39158

Elizabeth Knight, Realtor  
PO Box 13295  
Jackson, MS 39211

Douglas Edwin Keyes  
2906 N. State Street  
Jackson, MS 39216

This, the 29<sup>th</sup> day of April, 2014.

s / Derek A. Henderson  
DEREK A. HENDERSON